

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED:

SHAW FAMILY ARCHIVES LTD.,
et al.,

Plaintiffs,

-against-

05 Civ. 3939 (CM)

CMG WORLDWIDE, INC. and
MARILYN MONROE LLC,

Defendants.

x

ORDER

McMahon, J.:

The Southern District of Indiana having determined that a related case brought by defendants against plaintiff The Shaw Family Archives Ltd. and others should be transferred to this district, I hereby remove this case from the suspense calendar, effective immediately.

I have notified the Clerk of the Court of the imminent transfer. The Indiana case will be assigned to me as related to the instant case.

The motion by CMG and MMLLC to dismiss, stay or transfer this action from this court to the Southern District of Indiana is denied. It has been mooted by the decision of the Southern District of Indiana. The Clerk is directed to remove the motion from the Court's list of pending motions.

I have reviewed the decision of the learned judge in Indiana. I see that Judge Hamilton denied the motions by defendants Bradford and Shaw Family Archives to dismiss for lack of personal jurisdiction as "moot." Unfortunately, those motions may not be entirely moot; if there are choice of law issues to be determined, whether the Indiana court had jurisdiction over defendants Bradford and Shaw will affect which state's law applies to claims asserted against them. See Hatfill v. Conde Nast et al., 372 F. Supp. 2d 725 (S.D.N.Y. 2005).

I note that there will be additional parties here: Bradford Licensing Associates, James Doughtery and Valhalla Productions, LLC. There are no doubt a number of issues to discuss, including consolidation and choice of law, and I want to get the case moving on the merits.

I am directing that all parties, including the parties to the Indiana action, appear for a conference on Monday, April 24, 2006, at 10 AM. The court will be sitting in Part I that week and so will be at the courthouse located at 40 Foley Square. The conference will be held in Courtroom 110 unless the parties are otherwise advised. Mr. Greben is ordered to notify counsel for the other Indiana defendants that their presence is required.

Dated: March 27, 2006


U.S.D.J.

BY FAX TO

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